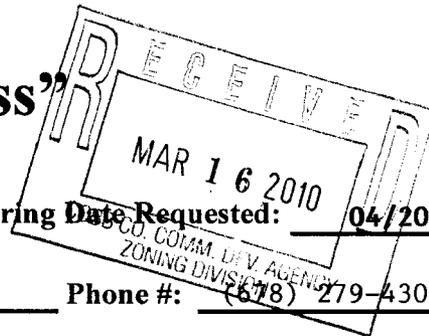


Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 04/20/2010



Applicant: St. Benedict's Episcopal Church, LLC Phone #: (678) 279-4300
(applicant's name printed)

Address: 2160 Cooper Lake Road, Smyrna, GA 30080 **E-Mail:** twaybright@professionals

Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell choice.net

John H. Moore Address: Marietta, GA 30060 Street

(representative's name, printed)

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jmoore@mij.com; w7@mij.com

(representative's signature) Georgia Bar No. 519800

Signed, sealed and delivered in presence of:

[Signature] My commission expires: January 10, 2011
Notary Public

Titleholder(s): St. Benedict's Episcopal Church, LLC Phone #: (678) 279-4300
(property owner's name printed)

Address: 2160 Cooper Lake Road, Smyrna, GA 30080 **E-Mail:** twaybright@professionals

choice.net

BY: [Signature]
(Property owner's signature) Anthony L. Waybright
Building Chairman

Signed, sealed and delivered in presence of:

[Signature] My commission expires: January 10, 2011
Notary Public

Commission District: 2 **Zoning Case:** Z-21 (2008)
SLUP-9 (2008)

Date of Zoning Decision: May 20, 2008 **Original Date of Hearing:** May 20, 2008
July 15, 2008 July 15, 2008
December 16, 2008; June 16, 2008 (Amendments)

Location: 2160 Cooper Lake Road, Smyrna, Cobb County, Georgia
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 694, 695 **District(s):** 17th

State specifically the need or reason(s) for Other Business: _____

See Exhibit "A" attached hereto and incorporated herein by reference

(List or attach additional information if needed)

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)**

Application Nos.:	Z-21 (2008) and SLUP-9 (2008)
Original Hearing Dates:	May 20, 2008 and July 15, 2008
Previous Other Business Hearing Dates:	December 16, 2008 June 16, 2009
Current Hearing Date:	April 20, 2010

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant/Titleholder: St. Benedict's Episcopal Church, LLC

On June 16, 2009, the Cobb County Board of Commissioners granted Applicant's request to allow for the operation of a farmer's market on the Subject Property. Applicant agreed to stipulations pertaining to the operation of the market, and the Board of Commissioners added stipulations, as well as revised certain stipulations. One stipulation added by the Board of Commissioners was the amendment for the termination of the farmer's market on December 31, 2009.

Applicant now seeks to amend the stipulations to again allow for the operation of the farmer's market on the Subject Property through and including December 31, 2013. The portable classroom units have been removed from the Property, and much of the construction and renovation work has been completed which would allow for additional space to accommodate the public, as well as vendor booths and parking. The market was very successful in its first year of operation in 2009 and was used as a ministry and outreach for the Smyrna/Vinings/Oakdale communities. As in the past, Applicant will use its best efforts to ensure that the market will be a first-class experience for both the vendors and the patrons.

Applicant agrees that should any problems arise during the operation of the farmer's market during the period herein allowed, the District Commissioner may require a "show cause" hearing to have the Applicant respond to the problems presented. Cobb County shall specify the specific problems to be addressed, which shall be included in the notification as to a "show cause" hearing. Cobb County shall provide a minimum of thirty (30) days' prior written notice as to any such hearing. At any hearing, the Applicant may present evidence on its behalf in response to any problem(s) presented. If, upon hearing, the Board of Commissioners determines the problem(s) does exist, the Board of Commissioners may grant a period of time for Applicant to correct the problem; or, if the problem is substantial enough, revoke the permit for the remainder of the term of the Land Use Permit.

PAGE TWO - EXHIBIT "A"
ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)

Application Nos.:	Z-21 (2008) and SLUP-9 (2008)
Original Hearing Dates:	May 20, 2008 and July 15, 2008
Previous Other Business Hearing Dates:	December 16, 2008 June 16, 2009
Current Hearing Date:	April 20, 2010

Applicant/Titleholder: St. Benedict's Episcopal Church, LLC

If approved, Applicant will agree to the stipulations and conditions specific to the operation of the farmer's market which were set forth in the official minutes, and attachments thereto, of the Cobb County Board of Commissioners Zoning Hearing held on June 16, 2009, a copy of which is attached to the Application for "Other Business" and incorporated herein by reference.

Additionally, the balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearings held on May 20, 2008, as to Application No. Z-21 (2008) and July 15, 2008, as to SLUP-9 (2008), as well as the amended official minutes, including attachments, held on December 16, 2008, are unaltered by this request for stipulation amendment.

REFERENCE MATERIAL
CHICAGO TITLE COMPANY
COMMITMENT #2-12147

SCHEDULE A

1. WARRANTY DEED FROM W. E. WRENCH et al. TO LOCUST GROVE BAPTIST MISSIONARY CHURCH, A GEORGIA CORPORATION DATED JUNE 8, 1940 FILED JUNE 8, 1940 DEED BOOK 136 PAGE 37 COBB COUNTY RECORDS
2. WARRANTY DEED FROM ALVIN Y. HANCOY TO LOCUST GROVE BAPTIST MISSIONARY CHURCH, INC. DATED SEPTEMBER 4, 1945 FILED SEPTEMBER 13, 1945 DEED BOOK 148 PAGE 222 COBB COUNTY RECORDS
3. WARRANTY DEED FROM MRS. JENNE DENNEY TO LOCUST GROVE BAPTIST MISSIONARY CHURCH, INC. DATED SEPTEMBER 4, 1945 FILED SEPTEMBER 13, 1945 DEED BOOK 149 PAGE 223 COBB COUNTY RECORDS
4. WARRANTY DEED FROM M.H. ABERNETHY TO LOCUST GROVE BAPTIST MISSIONARY CHURCH, INC. DATED JANU 28, 1945 FILED JUNE 11, 1951 DEED BOOK 231 PAGE 231 COBB COUNTY RECORDS
5. OUTCLAM DEED FROM ALTON O. MAY TO LOCUST GROVE BAPTIST CHURCH DATED APRIL 10, 1957 FILED APRIL 19, 1957 DEED BOOK 363 PAGE 334 COBB COUNTY RECORDS
6. WARRANTY DEED FROM ALTON O. MAY TO LOCUST GROVE BAPTIST MISSIONARY CHURCH, INC. DATED APRIL 13, 1957 FILED APRIL 16, 1957 DEED BOOK 400 PAGE 304 COBB COUNTY RECORDS
7. PETITION TO CHARTER BY THE SECRETARY OF STATE EX-OFFICIO CORPORATION COMMISSIONER OF THE STATE OF GEORGIA BEING DOCKET NO. 30411 FILED MAY 9, 1946 RECORDED IN CHARTER BOOK 5 PAGE 523 COBB COUNTY RECORDS
8. WARRANTY DEED FROM ALFRED F. CRANFORD TO LOCUST GROVE BAPTIST CHURCH, INC. FILED APRIL 13, 1947 AT 2:00 P.M. DEED BOOK 987 PAGE 227 COBB COUNTY RECORDS
9. WARRANTY DEED FROM ALVIN S. CRAN TO LOCUST GROVE BAPTIST CHURCH, INC. DATED SEPTEMBER 29, 1947 FILED MARCH 27, 1948 DEED BOOK 1026 PAGE 254 COBB COUNTY RECORDS
10. OUTCLAM DEED FROM COBB COUNTY TO LOCUST GROVE BAPTIST CHURCH, INC. DATED APRIL 12, 1971 FILED APRIL 26, 1971 DEED BOOK 1219 PAGE 093 COBB COUNTY RECORDS
11. WARRANTY DEED FROM LOCUST GROVE BAPTIST CHURCH, INC. TO SYRNA INVESTMENT COMPANY FILED APRIL 22, 1975 DEED BOOK 1597 PAGE 345 COBB COUNTY RECORDS
12. OUTCLAM DEED FROM LOCUST GROVE BAPTIST CHURCH, INC. TO SYRNA INVESTMENT COMPANY FILED APRIL 22, 1975 DEED BOOK 1597 PAGE 353 COBB COUNTY RECORDS

OTHER REFERENCE MATERIAL

1. STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PROPOSED ATLANTA ROAD DATED MARCH 9, 1906 STATE AID PROJECT (M.R. 9025 (S) SHEETS 1, 3, 4, 6)
2. RIGHT-OF-WAY PLANS ATLANTA ROAD PHASE III BY PRECISION PLANNING, INC. JOB 809-104 SHEET #4 OF 16 LAST REVISED 9-14-93

SURVEY NOTES

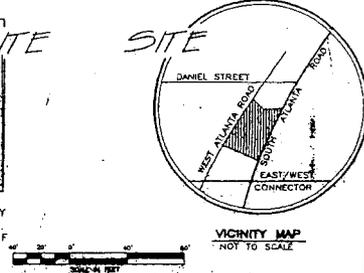
1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE COURSE OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, THE FOLLOWING OFFICES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS:
TELEPHONE: BELLSOUTH
ELECTRIC: GEORGIA POWER COMPANY
WATER AND SEWER: CITY OF SYRNA
GAS: ATLANTA GAS LIGHT COMPANY
CALL THESE WORKING DAYS BEFORE YOU DIG
UTILITIES PROTECTION CENTER
IN METRO ATLANTA: 404-423-4344
THROUGH OUT GEORGIA: 1-800-282-7411
2. TITLE SEARCH AND COMMITMENT PROVIDED BY CHICAGO TITLE INSURANCE COMPANY, NUMBER 2-12147
THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
3. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
4. THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CIRCULAR ERROR OF ONE FOOT IN 10,000 FEET, AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING COGNATE RULES. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000 FEET LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED BY USING A TOPCON TOTAL STATION.
BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
5. SQUARE FEET OF BUILDING IS FOR THE ENTIRE FIRST FLOOR ONLY.
6. PARKING AREA IS OFF STREET AND 180 TOTAL PARKING SPACES ARE DESIGNATED. THERE ARE 5 TOTAL HANDICAP SPACES DESIGNATED.
7. PER COBB COUNTY ZONING MAPS THIS PROPERTY IS ZONED CC & R-20.

REVISIONS

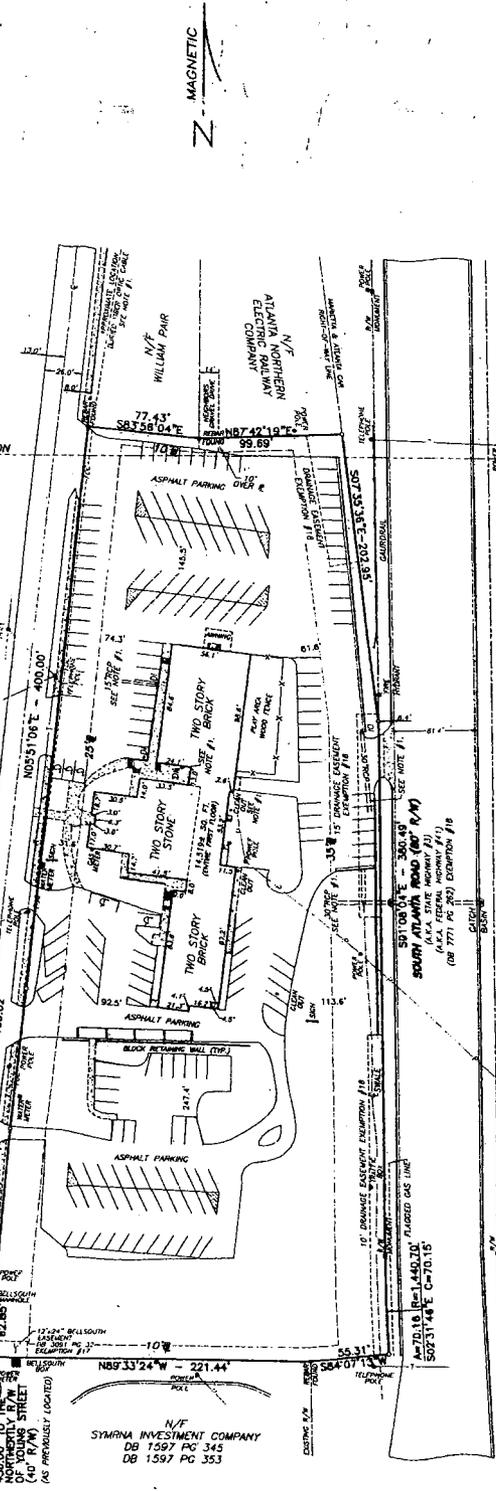
1. ATTORNEY'S COMMENTS ADDRESSED 6-1-02
2. ATTORNEY'S COMMENTS ADDRESSED 6-1-02

LEGEND

DB	DEMOTES DRAIN BOX
DP	DEMOTES DRAIN PILE
CC	DEMOTES CLEAN OUT
CLM	DEMOTES GAS LINE MARKER
PP	DEMOTES POWER POLE
CP	DEMOTES CEMENT POLE
CW	DEMOTES CITY WIRE
CP	DEMOTES POWER LINE
EB	DEMOTES ELECTRIC BOX
EM	DEMOTES ELECTRIC METER
OW	DEMOTES GAS METER
OP	DEMOTES OPEN END PIPING
PS	DEMOTES PUMP AND SET
CP	DEMOTES CEMENT
R/W	DEMOTES RIGHT-OF-WAY
PCP	DEMOTES REINFORCED CONCRETE PIPE
CM	DEMOTES CORRUGATED METAL PIPE
-X-	DEMOTES FENCE
-S-	DEMOTES SANITARY SEWER LINE
SMH	DEMOTES SANITARY SEWER MANHOLE
HW	DEMOTES HYDRAULIC
HW	DEMOTES HYDRAULIC
SMH	DEMOTES STORM MANHOLE
FC	DEMOTES FLOOD CONTROL DRAIN



THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY F.I.R.M. OFFICIAL FLOOD HAZARD MAPS. COMMUNITY PANEL NO. 13067C 0075 F EFFECTIVE DATE: AUGUST 16, 1992. COBB COUNTY, GEORGIA



DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LIES AND BEING AS LINED, LOT 894 & 925 OF THE 17TH SECTION 2ND COBB COUNTY, GEORGIA, BEING MORE PARTICULARLY AS FOLLOWS:

START AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF ATLANTA ROAD (AS SHOWN ON THE PLANS) LOCATED AND THE EASTERN RIGHT-OF-WAY OF ATLANTA ROAD (AS SHOWN ON THE PLANS) (E.A.A. SOUTH ATLANTA ROAD, F.E.A. STREET, HIGHWAY #1, F.E.A. FEDERAL HIGHWAY #41). THENCE S89°33'24\"/>

SURVEYOR'S CERTIFICATION

THIS SURVEY IS MADE FOR THE BENEFIT OF FIDELITY NATIONAL BANK, ANHOLDEN NORTH CHRISTIAN MINISTRIES, INC. AND CHICAGO TITLE INSURANCE COMPANY.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AS PER FIELD NOTES AND THAT THE LEGAL DESCRIPTION SHOWN HEREON IS CORRECT. THIS SURVEY SHOWS THE LOCATION OF ALL EASEMENTS AND OTHER MATTERS AFFECTING THE SUBJECT PROPERTY AND SHOWS ANY OTHER MATTERS VISIBLE ON THE GROUND. THE SUBJECT PROPERTY IS LISTED BELOW (IF ANY) UNDER THE BLANKET EASEMENTS AND RESTRICTIONS AFFECTING THE PROPERTY. THE EASEMENTS AND RESTRICTIONS LISTED EXCEPT AS SHOWN ON THE SURVEY; THAT ALL UTILITIES EXIST THE SUBJECT PROPERTY BY WAY OF PUBLIC DEDICATION OR OTHERWISE AND I EXPRESSLY TO AND FROM THE SUBJECT PROPERTY IS PROVIDED BY STREETS AND DEDICATED PUBLIC PLACES AS SHOWN ON THE PLANS OF THE CITY OF SYRNA, GEORGIA, AND THAT THE SUBJECT PROPERTY DOES NOT HAVE ANY OTHER PROPERTIES FOR DRAINAGE, EGRESS AND EXPRESS OR OTHER PURPOSES.

CERTIFICATE THIS 16TH DAY OF MAY, 2002.

Michael R. Niles
Michael R. Niles
Georgia Registered
Land Surveyor No. 2648
Member SACS

- THIS PROPERTY SUBJECT TO THE FOLLOWING**
- CHICAGO TITLE COMPANY COMMITMENT #2-12147 PART 2 SCHEDULE B
3. EASEMENT FROM E.L. MORRISON TO ATLANTA GAS LIGHT COMPANY & GEORGIA CORPORATION DATED MARCH 10, 1906 FILED MARCH 20, 1906 DEED BOOK 105 PAGE 243 COBB COUNTY RECORDS (GENERAL EASEMENT FOR MAINTENANCE & INSTALLATION) (UNABLE TO DETERMINE EXACT LOCATION)
 4. PERMIT FOR ANCHORS GUY POLES AND WIRES FROM A.E. CONNOR TO THE GEORGIA POWER COMPANY DATED FEBRUARY 2, 1953 FILED MARCH 10, 1953 DEED BOOK 322 PAGE 99 COBB COUNTY RECORDS (GENERAL EASEMENT FOR INSTALLATION & MAINTENANCE OF ANCHOR AND GUY POLE) (UNABLE TO DETERMINE EXACT LOCATION)
 7. RIGHT-OF-WAY EASEMENT FROM LOCUST GROVE BAPTIST CHURCH A CORPORATION TO THE GEORGIA POWER COMPANY DATED JULY 12, 1957 FILED JULY 27, 1957 DEED BOOK #13 PAGE 408 COBB COUNTY RECORDS (UNABLE TO DETERMINE EXACT LOCATION)
 8. EASEMENT FOR RIGHT-OF-WAY FROM MRS. A.F. CONNOR TO THE GEORGIA POWER COMPANY DATED SEPTEMBER 8, 1958 FILED SEPTEMBER 17, 1958 DEED BOOK 448 PAGE 81 COBB COUNTY RECORDS (UNABLE TO DETERMINE EXACT LOCATION)
 9. RIGHT-OF-WAY EASEMENT FROM ALVIN S. CRAN TO THE GEORGIA POWER COMPANY DATED DECEMBER 11, 1959 FILED DECEMBER 4, 1959 DEED BOOK 624 PAGE 33 COBB COUNTY RECORDS (GENERAL EASEMENT FOR CONSTRUCTION, OPERATION & MAINTENANCE) (UNABLE TO DETERMINE EXACT LOCATION)
 14. CONSTRUCTION EASEMENT FROM LOCUST GROVE BAPTIST CHURCH TO COBB COUNTY, GEORGIA DATED FEBRUARY 6, 1966 FILED FEBRUARY 21, 1966 DEED BOOK 1343 PAGE 508 COBB COUNTY RECORDS (18' EASEMENT) (UNABLE TO DETERMINE EXACT LOCATION) (POSSIBLY EXPRESSED)
 15. EASEMENT RECEIVED IN OUTCLAM DEED FROM COBB COUNTY TO LOCUST GROVE BAPTIST CHURCH, INC. DATED APRIL 13, 1971 FILED APRIL 26, 1971 DEED BOOK 1219 PAGE 093 COBB COUNTY RECORDS (EASEMENTS/RIGHTS TO PUBLIC UTILITIES BY COBB COUNTY) (UNABLE TO DETERMINE EXACT LOCATION)
 17. RIGHT-OF-WAY EASEMENT FROM LOCUST GROVE BAPTIST CHURCH, INC. TO SOUTHERN BELL TELEPHONE & TELEGRAPH COMPANY DATED FEBRUARY 1954 FILED APRIL 17, 1954 DEED BOOK 387 PAGE 53 COBB COUNTY RECORDS (AS SHOWN ON SURVEY)
 18. EASEMENT IN THE RIGHT-OF-WAY DEED FROM LOCUST GROVE BAPTIST CHURCH, INC. TO COBB COUNTY, GEORGIA DATED FEBRUARY 11, 1963 FILED FEBRUARY 22, 1963 DEED BOOK 1343 PAGE 508 COBB COUNTY RECORDS (AS SHOWN ON SURVEY) (R/W AND DRAINAGE EASEMENT)
 23. TITLE TO THAT PORTION OF THE SUBJECT PROPERTY DESCRIBED AS THE SOUTHERN 45 FEET BY THE OLD 100-FOOT BELL SANITARY AND ELECTRIC COMPANY RAILWAY LINE (UNABLE TO DETERMINE EXACT LOCATION)
- AND THE CURRENT ZONING BY COBB COUNTY, GEORGIA CC AND R-20

TOTAL AREA = 3.553 ACRES OR 154,781 SQ. FT.

LOCUST GROVE BAPTIST CHURCH
4223 WEST ATLANTA ROAD
SYRNA, GEORGIA

ATLANTA 42-5845 2000
FIDELITY NATIONAL BANK
ANHOLDEN NORTH CHRISTIAN MINISTRIES, INC.
CHICAGO TITLE INSURANCE COMPANY

LAND LOT 894 & 925
DISTRICT 177A, SECTION 2ND
COUNTY COBB
GEORGIA
DATE 2-11-02 SCALE 1"=40'

McLUNG
SURVEYING SERVICES, INC.
4136 West Atlanta Road
Syrna, Georgia 30080
OFFICE (770) 494-1343
FAX (770) 498-1429

CHICAGO TITLE COMPANY
COMMITMENT #2-12147